

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LAMEL JEFFERY, THADDEUS BLAKE, CHAYSE  
PENA, on Behalf of Themselves and Others Similarly  
Situating,

Plaintiffs,

-against-

**NOTICE OF MOTION TO  
DISMISS**

20 CV 02843 (NGG)(RML)

THE CITY OF NEW YORK, BILL DE BLASIO, Mayor  
of New York City, Individually and in his Official  
Capacity, ANDREW CUOMO, Governor of the State of  
New York, Individually and in his Official Capacity, and  
P.O.s JOHN DOE #1-50, Individually and in their Official  
Capacity, (the name John Doe being fictitious, as the true  
names are presently unknown),

Defendants.

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**PLEASE TAKE NOTICE** that upon the annexed Declaration of Assistant Corporation Counsel Edward L. Murray, sworn to on December 10, 2020, the exhibits annexed thereto, and the accompanying Memorandum of Law, dated December 10, 2020, the City of New York (“City”) and Bill de Blasio, Mayor of the City of New York, individually and in his official capacity (collectively, “City defendants”), will move this Court, before the Honorable Nicholas G. Garaufis, at the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, NY 11201 for an order pursuant to Rule of 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint on the basis of plaintiffs’ failure to state a claim that the temporary emergency curfew was invalid and plaintiffs’ failure to state a claim for false arrest and on the basis that Defendant Bill de Blasio is subject to qualified immunity for enacting the temporary

emergency curfew, and granting such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
December 10, 2020

GEORGIA M. PESTANA  
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BY: /s/ Edward L. Murray  
Assistant Corporation Counsel